

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANTHONY GRIGGS,

Petitioner,

v.

Case No. 1:07-cv-920

Hon. Gordon J. Quist

WILLIE SMITH,

Respondent.

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**ORDER TO AMEND PETITION AND TO FILE ANSWER**

This matter is now before the court on respondent's motion to dismiss habeas claims II, III, IV, V, VI and VII as unexhausted (docket no. 7) and petitioner's motion to amend the habeas petition accordingly (docket no. 9). Petitioner agrees with respondent that habeas claims II through VII are unexhausted and desires to amend his petition to remove these six claims. Accordingly, petitioner's motion to amend is **GRANTED** and respondent's motion to dismiss is **DENIED** as moot. **Respondent shall file an answer with respect to habeas claim I as set forth in the petition within 90 days of the entry of this order.**

**IT IS SO ORDERED.**

Dated: August 5, 2008

/s/ Hugh W. Brenneman, Jr.  
HUGH W. BRENNEMAN, JR.  
United States Magistrate Judge